

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

CALEB WHITFIELD,	:	Case No. 3:23-cv-23
	:	
Plaintiff,	:	District Judge Thomas M. Rose
	:	
vs.	:	Magistrate Judge Karen L. Litkovitz
	:	
CORRECTION OFFICER GUSTAVE, <i>et</i>	:	
<i>al.</i> ,	:	
	:	
Defendants.	:	

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**ENTRY AND ORDER ADOPTING REPORT AND RECOMMENDATION (DOC. NO. 8); GRANTING PLAINTIFF'S MOTION FOR EXTENSION OF TIME (DOC. NO. 6); VACATING THE DISMISSAL ORDER (DOC. NO. 4); AND DIRECTING THAT THIS CASE BE REOPENED**

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The Court has conducted a *de novo* review of the Report and Recommendation of United States Magistrate Judge Karen L. Litkovitz (Doc. No. 8), to whom this case was originally referred pursuant to 28 U.S.C. § 636(b). Noting that no objections have been filed and that the time for filing such objections, if any, under Fed. R. Civ. P. 72(b) has expired, this Court hereby **ACCEPTS** the recommended disposition and **ADOPTS** the Report and Recommendation.

Therefore, it is **ORDERED** that:

1. The Court **ADOPTS**, in full, the Report and Recommendation filed on March 20, 2023 (Doc. No. 8);
2. The Court **GRANTS** Plaintiff's Motion for Extension of Time filed on March 14, 2023 (Doc. No. 6);
3. The Court **VACATES** the Dismissal Order filed on February 27, 2023 (Doc. No. 4); and,
4. The Court **DIRECTS** the Clerk of Court to reopen this case.

**DONE** and **ORDERED** in Dayton, Ohio, this Tuesday, April 4, 2023.

s/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE